

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

A.A.R.P., *et al.*, on their own behalf and on behalf
of all others similarly situated,

Petitioners–Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, *et al.*,

Respondents–Defendants.

Case No. 1:25-cv-0059

**EMERGENCY APPLICATION
FOR A TEMPORARY
RESTRAINING ORDER**

EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER

Petitioners-Plaintiffs (“Petitioners”) and the proposed class are in imminent danger of being removed from the United States—(with 24 hours or less notice) —and this Court could potentially permanently lose jurisdiction. Upon information and belief, the government has recently transferred Venezuelan men from detention centers all over the country to this District and they are at imminent risk of summary removal. Accordingly, Petitioners respectfully requests a temporary injunction for Petitioner and the putative class to preserve the status quo, enjoining (1) any removal outside the country pursuant to the Alien Enemies Act (“AEA”), (2) any transfer out of the Northern District of Texas without notice to counsel, (3) notice to Petitioner and the putative class, as well as undersigned counsel, of any designation as an Alien Enemy under the Proclamation, with at least 30 days’ notice prior to any removal under the Proclamation, and (4) notice to undersigned counsel of the transfer of any individual designated an Alien Enemy under the Proclamation into the Western District of Texas.

The request for a temporary restraining order against Respondents-Defendants (“Respondents”) is made pursuant to Rule 65 of the Federal Rules of Civil Procedure, and the All Writs Act. Petitioners and the proposed class are civil immigration detainees who are at substantial risk of immediate, summary removal from the United States pursuant to the use of the AEA, 50 U.S.C. § 21 *et seq.* against a *non*-state actor for the first time in the country’s history.

As set forth in the accompanying Memorandum of Law, Respondents’ invocation and application of the AEA patently violates the plain text of the statute and exceeds the limited authority granted to the President by Congress. Respondents’ invocation and application of the AEA also violates the Immigration and Nationality Act, statutes providing protection for people seeking humanitarian relief, and due process. In the absence of a temporary restraining order,

Petitioners and the class will suffer irreparable injury, and the balance of hardships and the public interest favor relief. Critically, moreover, if Petitioners and the class are removed to the custody of another country, the government's position is that this Court will lose jurisdiction permanently.

In support of this Motion, Petitioners rely upon the accompanying memorandum in support of a Temporary Restraining Order, motion and memorandum for class certification, and declarations in support of both motions. A proposed order is attached for the Court's convenience. Petitioners respectfully request that this Court grant this emergency application and issue a temporary restraining order as soon as possible for Petitioners and the class.

Dated: April 16, 2025

Respectfully submitted,

Lee Gelernt*
Daniel Galindo*
Ashley Gorski*
Patrick Toomey*
Sidra Mahfooz*
Omar Jadwat*
Hina Shamsi*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
T: (212) 549-2660
E: lgelernt@aclu.org
E: dgalindo@aclu.org
E: agorski@aclu.org
E: ptoomey@aclu.org
E: smahfooz@aclu.org
E: ojadwat@aclu.org
E: hshamsi@aclu.org

Noelle Smith*
Oscar Sarabia Roman*
My Khanh Ngo*
Cody Wofsy*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
425 California Street, Suite 700
San Francisco, CA 94104
T: (415) 343-0770
E: nsmith@aclu.org
E: osarabia@aclu.org
E: mngo@aclu.org
E: cwofsy@aclu.org

/s/Brian Klosterboer
Brian Klosterboer
TX Bar No. 24107833
Thomas Buser-Clancy*
TX Bar No. 24078344
Savannah Kumar*
TX Bar No. 24120098
Charelle Lett*
TX Bar No. 24138899
Ashley Harris*
TX Bar No. 24123238
Adriana Piñon*
TX Bar No. 24089768
ACLU FOUNDATION OF TEXAS, INC.
1018 Preston St.
Houston, TX 77002
(713) 942-8146
bklosterboer@aclutx.org
tbuser-clancy@aclutx.org
skumar@aclutx.org
clett@aclutx.org
aharris@aclutx.org
apinon@aclutx.org

Attorneys for Petitioners-Plaintiffs
**Pro hac vice applications forthcoming*

CERTIFICATE OF CONFERENCE

I certify that pursuant to LR 7.1(a), Petitioners' counsel attempted to confer with counsel for Respondents prior to filing by emailing the Chad E. Meacham, the United States Attorney for the Northern District of Texas, and seeking the government's position. Petitioners' counsel was not able to obtain a response prior to filing.

Dated: April 16, 2025

/s/Brian Klosterboer
Brian Klosterboer